

REMARKS/ARGUMENTS

Claims 1, 6-15, 17-19, 21-30 and 32-38 are pending in the present application. In the Final Office Action, claims 1, 6-15, 17-19, 21-30 and 32-38 were rejected. In response to the Office Action and concurrent with an RCE, claims 1 and 18 have been amended. No new matter has been added. Reconsideration of the pending claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 6-15, 17-19, 21-30 and 32-38 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 1 and 18 have been amended in order to clarify the claimed invention. Claim 1 has been amended to recite in part that extending the at least two distal and at least two proximal elements adjusts a length in each of the elements protruding from the shaft, the length traversing from the distal end of the element to a distal end of the shaft. Support for this amendment may be found in *inter alia* in paragraphs 0019, 0022, 0028, 0050, 0092 and 0097 of the application as filed, therefore no new matter has been added. Claim 18 has similarly been amended. Applicants therefore, respectfully request withdrawal of the 35 U.S.C. § 112 rejection of claims 1 and 18 and the claims depending therefrom.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 6-15, 17 and 32-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bush et al. (U.S. Patent No. 5,282,845). Such rejection is traversed for at least the following reasons.

Claim 1 recites in part a capture device detachably connected to the catheter. Bush fails to teach or suggest a capture device detachably connected to the catheter. Bush discloses an implantable defibrillator lead with a plurality of separate, curvilinear electrodes (Abstract). In Bush, the electrodes are advanced to or adjacent the heart in order to deliver current thereto so as to defibrillate the heart muscle. Bush's electrodes contact tissue but do not capture or hold tissue, therefore Bush fails to disclose a capture device as recited by claim 1. Furthermore, Bush does not disclose, teach or suggest that the electrodes or any other parts are

detachably connected to the catheter. In fact, the electrodes cannot be detached from the catheter because doing so would break the electrical connection between the electrodes and the current source thereby preventing current delivery to the heart muscle. Detaching the electrodes from the catheter would therefore render the device inoperative for its intended purpose. Thus, Bush fails to teach or suggest a capture device detachably connected to the catheter, as recited by claim 1.

Because Bush fails to teach or suggest each and every element recited in claim 1, anticipation cannot be established under 35 U.S.C. § 102(b). Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1 and the claims depending therefrom.

Independent claim 18 recites in part the step of providing an interventional tool comprising a catheter having a shaft, a proximal portion, a distal portion and a capture device detachably connected to the catheter. As previously discussed, Bush discloses an implantable defibrillator lead with a plurality of separate, curvilinear electrodes. Bush's electrodes do not capture or hold tissue nor are they releasable from the catheter. Thus, Bush fails to teach or suggest providing a capture device detachably connected to the catheter, as recited by claim 18.

Claim 18 also recites in part the step of deploying the at least two extendable distal elements and the at least two extendable proximal elements ... so as to capture the valve leaflets. As discussed, Bush's electrodes contact heart tissue, but Bush fails to teach or suggest that his electrodes capture the valve leaflets. In fact, the terms "valve" and "leaflet" or "leaflets" do not even appear in the specification of Bush.

Moreover, claim 18 recites in part detaching the capture device from the interventional tool while said shaft is in the vasculature of the patient. As discussed above, Bush fails to teach or suggest detaching the capture device from the interventional tool. Nor would one of skill in the art detach Bush's electrodes because doing so would electrically decouple them from the catheter thereby preventing the electrodes from delivering current to the heart muscle. Thus, detaching Bush's electrodes would render the device inoperative for its intended purpose of defibrillating the heart.

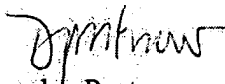
Because Bush fails to teach or suggest each and every element of claim 18, anticipation cannot be established under 35 U.S.C. § 102(b). Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claim 18 and the claims depending therefrom.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

The Examiner is invited to contact the undersigned at 650-326-2400 if a telephone conference would expedite prosecution of this application.

Respectfully submitted,


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